IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 25871 of 2002

Between:

T.Ravindra, S/o.Kondaiah,

Proprietor of Laxmi Enterprises and General Stores,

Kandukur, Prakasam District.

..... PETITIONER

AND

1. The Municipal Commissioner,

Kandukur Municipality, Kandukur,

Prakasam District.

2. The Executive Engineer,

Public Health, Near R.R.Tank, Ongole,

Prakasam District.

3. Coimbatore Motor Sales & Services, Kandukur

Represented by its Prop. Srinivasa Reddy,

Kanigiri Road, Kandukur, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ in the nature of a Writ of Mandamus or any appropriate Writ, direction, order declaring the action of the first respondent in not issuing the work order to petitioner for the execution of the work of effecting repairs to the motors at

Machavaram pursuant to the notification in ROC.No.777/2002, dated 6.6.2002 published in Eenadu Telugu Daily District Edition, dated 10.6.2002 and proposing to award the same work to the 3rd respondent pursuant to the fresh notification in ROC.No.777/2002,E2, dated 28.11.2002 published in Vishalandra daily dated 2.12.2002 as wholly arbitrary, illegal and void and consequently direct the respondents 1 and 2 to grant the work order to the petitioner for the execution of the work effecting repairs to Motors at Machavaram Head Water works and Vetarnary Hospital in Kandukur Municipality, Prakasham District.

Counsel for the Petitioner:MS. R.MADHAVI, ADVOCATE REPRESENEING MR.M.P.CHANDRA MOULI, ADVOCATE.

Counsel for the Respondent No.1: MR.D.SRINIVAS

Counsel for the Respondents 2 and 3: None appeared

The Court made the following :

ORDER:

The petitioner is a dealer of kirloskar agricultural and domestic pumps at Chuttugunta Village, Kandukur Mandal of Prakasam District. Pursuant to tender notification dt.28.11.2002 for execution of works of effecting repairs to the Motors at Machavaram Water Works and at Veternary Hospital at an estimated cost of Rs.1,75,700/- (Rupees one lakh seventy five thousand seven hundred only) the petitioner filed his tenders. The petitioners' tender was found to be lowest, but he was not given work order. Therefore, he filed present Writ Petition seeking Writ of Mandamus directing the respondents to issue fresh tenders. He also seeks an order restraining the first respondent in awarding the work to third respondent.

The matter was admitted by this Court on 31.12.2002 and notice was issued in the W.P.M.P. Today, though the interlocutory application is listed, with the consent of the learned counsel for the parties, the Writ Petition itself is heard and is being finally disposed of.

Learned Standing Counsel for first respondent Municipality, Sri D.Srinivas, submits that by Resolution No.248, dt.30.12.2002 first respondent cancelled the tenders and directed the Public Health Department to re-estimate the cost involved for repairing the motors. In that view of the matter, as rightly submitted by the learned Standing Counsel, the matter has become infructuous. Liberty is reserved to petitioner to participate in fresh tenders. It is made clear that first respondent shall not award any contract to anybody pursuant to tender notification dt.28.11.2002, which was cancelled by the Municipal Council.

With the above observations, the Writ Petition is dismissed.

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(V.V.S.RAO, J)

20.7.2004

bnr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Municipal Commissioner, Kandukur Municipality, Kandukur,

Prakasam District.

2.The Executive Engineer, Public Health, Near R.R.Tank, Ongole,

Prakasam District.

3.2CCs to Sri D.Srinivas, SC for Kandukur Municipality.

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